

REMARKS

Summary of the Office Action

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ogama (U.S. Patent No. 5,682,364) (hereinafter "Ogama").

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogama in view of Abe et al. (U.S. Patent No. 6,130,744) (hereinafter "Abe").

Claim 3 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Summary of the Response to the Office Action

Applicant has amended claims 1-3 and added new claim 4 by this amendment. Accordingly, claims 1-4 are now pending for consideration.

Rejection under 35 U.S.C. § 112

Claim 2 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While Applicants do not necessarily concede that the original claim was indefinite, Applicants have amended claim 2 in accordance with the Examiner's comments. Applicants respectfully submit that claim 2, as amended, fully complies with the requirements of 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Ogama. Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogama in view of Abe. To the extent that these rejections might still apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), Applicants respectfully submit that the Office Action cites to the arrangement of Figs. 1 and 5 of Ogawa for an alleged teaching of the disk playing means (56) and the disk playing means supporting mechanism (Fig. 5) of the instant invention.

Ogawa discloses a compact disk changer for read/write disks and a method for reading and writing the disks which includes a magazine (1 in Fig. 8, for example) in which a plurality of disks are stacked, each disk being supported by a disk holder (30). When a particular disk is selected to be played, the disks within the magazine are moved up or down to provide a space adjacent to the selected disk so that a playing mechanism (read/write unit 56) can be inserted into the space within the magazine to read the selected disk.

This is quite different from the arrangement of the instant invention in which a plurality of disk trays (55a-55c, for example) are provided in a stack, each of the trays in the stack holding a disk in a disk standby position. When a particular disk is selected to be read, the tray holding that disk is moved to a disk playing position at the disk playing means. In other words, in Ogawa's arrangement, the disk player arrangement moves to the selected disk within the magazine, while in the instant invention, the selected disk moves away from the stack of disks in a standby position to a position where the disk playing means is located.

Nevertheless, independent claim 1 has been newly-amended in order to recite that “during a movement in which one of said disk trays is being moved from said disk standby area to said disk playing area and said one of disk trays comes into engagement with said supporting mechanism so that said disk playing assembly is moved in said predetermined direction.” Accordingly, Applicants respectfully submit that the disk playing assembly is moved in the predetermined direction because the supporting mechanism is abutted with one of the disk trays and is rotated around a rocking fulcrum (101). Applicants respectfully submit that at least such a supporting mechanism is neither shown nor suggested by the art of record.

The Office Action appears to interpret the holder 30 of Ogawa as a disk tray. The Office Action only cites generally to Fig. 5 for an alleged showing of a disk playing means supporting mechanism. Nevertheless, the Ogawa arrangement does not teach or suggest placing a selected disk holder into engagement with a disk playing means supporting mechanism to move a disk playing means. It is important to note that the holder 30 does not come into engagement with a disk playing means supporting mechanism. Moreover, the arm 61 of the read/write unit 56 (which the Office Action interprets as a disk playing means) is driven by gears and shafts 151-155, and not by the driving unit 59. The driving unit 59, described as a mechanism for driving the selecting unit 57 and the open/close unit 58, is not described as a mechanism for driving the read/write unit 56. See col. 11, lines 17-18 of Ogawa, for example.

For at least the above reasons, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. §102(b) be withdrawn at least because Ogawa does not teach or suggest each feature of independent claim 1, as newly-amended.

Applicants respectfully submit that dependent claim 2 is allowable at least for the same reasons as independent claim 1, on which it depends. Accordingly, it is requested that the rejections against these claims under 35 U.S.C. §§ 102 and 103 be withdrawn. The Examiner is thanked for the indication that claim 3 includes allowable subject matter.

Claim 4 is newly added to differently define the invention. Applicants respectfully submit that claim 4 is also in condition for allowance.

In accordance with the above remarks, Applicants respectfully submit that claims 1-4 are allowable and that the application is in condition for allowance.

Conclusion

In view of the foregoing, Applicants respectfully requests reconsideration and the timely allowance of the pending claims 1-4. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "**Version with Markings to Show Changes Made.**"

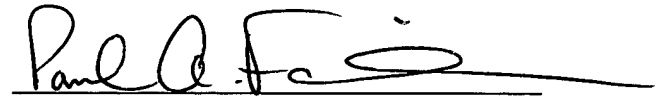
If there any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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By:


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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Please amend claims 1-3 as follows:

1. (Amended) A disk player for holding a plurality of disks at a disk standby area ~~{positions}~~ in a casing, so that a disk selected from said plurality of disks may be transferred to a disk playing area ~~{position}~~ in said casing and may be reproduced, comprising:

a plurality of disk trays stacked in a predetermined direction for receiving said plurality of disks individually thereon;

a disk playing assembly ~~{means}~~ for playing one of said plurality of disks at said disk playing area ~~{position}~~ to reproduce information recorded on said disk; and

a ~~{disk playing means}~~ supporting mechanism for supporting said disk playing assembly thereon ~~{means movably in a predetermined direction}~~,

wherein during a movement in which one of said disk trays is being moved from said disk standby area ~~{position}~~ to said disk playing area ~~{position}~~, and said one of disk trays comes into engagement with said ~~{disk playing means}~~ supporting mechanism so that ~~{to move}~~ said disk playing assembly is moved ~~{means}~~ in said predetermined direction.

2. (Amended) A disk player according to claim 1, wherein said ~~{disk playing means}~~ supporting mechanism is rotatably supported about a rocking fulcrum, said playing mechanism is supported apart from said rocking fulcrum on said supporting mechanism, and said playing assembly is moved in said predetermined direction by rotating said supporting mechanism about said rocking fulcrum ~~{supports said playing means in said predetermined direction in a manner so as to rock on a rocking fulcrum}~~.

3. (Amended) A disk player according to claim 2, further comprising:
elastic means arranged adjacent said rocking fulcrum for generating a biasing force in a
direction from said disk standby area ~~[position]~~ to said disk playing area ~~[position]~~ ,
wherein said supporting mechanism is urged around said rocking fulcrum by said
elastic means.

Claim 4 has been newly added.